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*Counsel for Lead Plaintiff Alecta Tjänstepension Ömsesidigt
and additional named Plaintiff Neil Fairman
and Lead Counsel for the Proposed Class*

[Additional Counsel on Signature Page.]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ALEXANDRA KUSEN, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

JAMES H. HERBERT, II, HAFIZE GAYE
ERKAN, MICHAEL J. ROFFLER, OLGA
TSOKOVA, MICHAEL D SELFRIDGE, NEAL
HOLLAND, and KPMG, LLP,

Defendants.

Case No. 3:23-cv-02940-AMO

**STIPULATION AND ~~[PROPOSED]~~ ORDER
REGARDING BRIEFING ON RENEWED
MOTION TO INTERVENE BY FEDERAL
DEPOSIT INSURANCE CORPORATION AS
RECEIVER FOR FIRST REPUBLIC BANK**

CLASS ACTION

Hon. Araceli Martínez-Olguín

Pursuant to Civil Local Rule 7 and this Court’s January 30, 2024 Order denying without prejudice the motion to intervene by the Federal Deposit Insurance Corporation as Receiver for First Republic Bank (“FDIC-R”), ECF No. 122, Lead Plaintiff Alecta Tjänstepension Ömsesidigt (“Lead Plaintiff”) and additional named plaintiff Neil Fairman (together, “Plaintiffs”), Defendants James H. Herbert, Michael J. Roffler, Olga Tsokova, Michael D. Selfridge, Neil Holland (collectively, the “Individual Defendants”) and KPMG LLP (“KPMG,” and together with the Individual Defendants, “Defendants”) (collectively, the “Parties”), and proposed intervenor FDIC-R, by and through their respective counsel, hereby stipulate as follows:

WHEREAS, on January 30, 2024, this Court denied without prejudice the FDIC-R’s motion to intervene pending the filing of Plaintiffs’ complaint, ECF No. 122;

WHEREAS, Plaintiffs filed their complaint on February 13, 2024, ECF No. 123;

WHEREAS, the FDIC-R intends to renew its motion to intervene in this case;

WHEREAS, this Court’s January 30 Order, ECF No. 122, provided that “the FDIC-R and the parties shall meet and confer about the appropriate deadline for any renewed motion to intervene, a briefing schedule thereon, and any necessary adjustments to existing case deadlines” and that “[t]he parties shall file a stipulation with the dates agreed to by no later than March 15, 2024”; and

WHEREAS, the Parties and FDIC-R have met and conferred pursuant to this Court’s January 30 Order and were able to agree to “an appropriate deadline for any renewed motion to intervene [and] a briefing schedule thereon,” but were unable to agree regarding “any necessary adjustments to existing case deadlines”;

IT IS ACCORDINGLY STIPULATED, pursuant to Civil L.R. 7-12, by and between the undersigned counsel for the Parties and for the FDIC-R, that:

1. The FDIC-R shall file its renewed motion to intervene on or before March 29, 2024;
2. Any opposition to the FDIC-R’s renewed motion to intervene shall be filed on or before April 12, 2024; and
3. The FDIC-R shall file its reply in support of its motion to intervene on or before April 19, 2024.

1 Dated: March 19, 2024

Respectfully submitted,

2 **KESSLER TOPAZ**
3 **MELTZER & CHECK, LLP**

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25 *Ömsesidigt and additional named Plaintiff Neil*
26 *Fairman and Lead Counsel for the Proposed Class*

27
28 ¹ In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of the document has been obtained from each of the other Signatories.

1 Dated: March 19, 2024

**FEDERAL DEPOSIT INSURANCE
CORPORATION**

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7 *Attorney for Federal Deposit Insurance Corporation
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8 Dated: March 19, 2024

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22 Dated: March 19, 2024

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Counsel for Defendant Olga Tsokova

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Counsel for Defendant Michael Selfridge

Dated: March 19, 2024

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Counsel for Defendant Neal Holland

Dated: March 19, 2024

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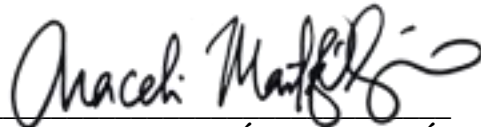
12 *Counsel for Defendant KPMG LLP*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. The FDIC-R shall file its renewed motion to intervene on or before March 29, 2024;
2. Any opposition to the FDIC-R's renewed motion to intervene shall be filed on or before April 12, 2024; and
3. The FDIC-R shall file its reply in support of its motion to intervene on or before April 19, 2024.

Dated: March 19, 2024


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge